



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Spilker, Jr. Art Unit : 3662
Serial No. : 10/787,058 Examiner : Phan, Dao Linda
Filed : 2/24/2004 Confirmation No. : 9527
Title : Position Location and Data Transmission using Pseudo Digital Television
Transmitters

MS: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

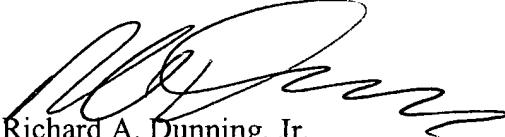
RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed date, enclosed are a completed issue fee transmittal form PTOL-85b, and payment of the required fee of \$1709.00 including

- \$1400.00 for payment of the issue fee as a large entity.
- \$300.00 for payment of the publication fee.
- \$9.00 for 3 advance copies of the patent.

Date: 5-14-05
Law Office of Richard A. Dunning, Jr.
343 Soquel Avenue
Suite 311
Santa Cruz, CA 95062
Telephone: 831.420.0561
Facsimile: 831.420.0566

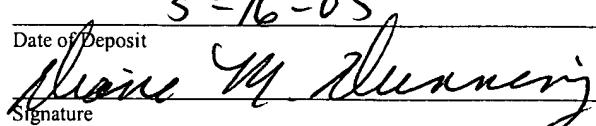
Respectfully submitted,



Richard A. Dunning, Jr.
Attorney/Agent for Applicant(s)
Reg. No. 42502

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL		Application Number	10/787,058
		Conf. No.	9527
		Filing Date	02/24/04
		First Named Inventor	Spilker, Jr.
		Group Art Unit	3662
		Examiner Name	Phan, Dao Linda
Total Number of Pages in This Submission		Attorney Docket Number	RSM054001

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Notice of Allowance, Comments on Statement of Reasons for Allowance, Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard A. Dunning, Jr.
Signature	
Date	5-14-05

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Type or printed name	Diane Dunning	Date	5-16-05
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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Notice of Allowability mailed February 17, 2005, Applicant submits the following comments regarding the Examiner's statement of reasons for allowance contained therein.

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims." 37 C.F.R. § 1.104(e).

In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Furthermore, the statement may unfairly focus attention on the language of one of the independent claims when there were multiple allowed independent claims. Therefore, the record should reflect that Applicant does not necessarily agree with the Examiner's statement of reasons for allowance.

Applicant's claims should be limited only by the terms utilized therein. In this application, the Examiner loosely quotes portions of the allowed claims in the statement of reasons for allowance. Therefore, the statement is inaccurate to the extent that the language varies from the language that is actually in the respective claims. Thus, Applicant hereby submits these Comments in an effort to ensure that the claims are properly construed based only

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Page: 2

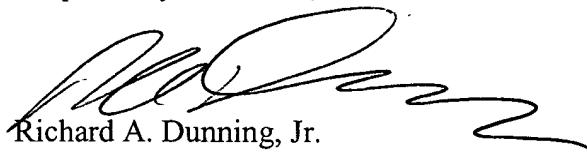
upon limitations that are expressly present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations that are not found in the respective claims.

Should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone Richard A. Dunning, Jr., Applicant's Attorney, at 831.420.0561 so that such issues may be resolved as expeditiously as possible.

Please address all correspondence to PTO Customer Number 29825.

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Respectfully submitted,


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